

OPEN THE DOOR – SEGREGATION REFORMS IN COLORADO

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In 1993, the Colorado Department of Corrections (CDOC) completed construction of its first facility entirely dedicated to Administrative Segregation: Colorado State Penitentiary. Located in the historic prison town of Cañon City, the facility was built for the specific purpose of handling Colorado's most dangerous offenders through isolation and containment in single cells. These offenders had been physically violent toward staff or other offenders, or were at risk of becoming victims of violence themselves. For such offenders, Administrative Segregation meant safety. But as time went on, the housing assignment was not used for just those that were dangerous, but instead became accepted practice for housing those with non-violent infractions and affiliations, as also became common in most states. At that point in time, Colorado was leading the industry in designing and building this institution and representatives from other state corrections came to Colorado to look at the facility as a model to be replicated.

During the late 20th century, assignment to Administrative Segregation — in some states known as solitary confinement — was standard protocol for difficult, dangerous offenders. Like traditional Administrative Segregation programs of the time, Colorado's program involved 23 hours of cell time and one hour out to exercise and shower each day. Per U.S. Constitutional requirements, Administrative Segregation offenders had access to a cell-side law library. They also had access to medical and mental health care. Additionally, each Administrative Segregation offender had a TV in his cell through which he could view periodic cognitive rehabilitative and educational programs. Nonetheless, the model of containment and the architecture of isolation was booming in Colorado as it was growing across the nation as a remedy to manage offenders who would not conform to orderly operations of general population through dangerous and violent behaviors.

REFORMING ADMINISTRATIVE SEGREGATION

In 2011, philosophies regarding Administrative Segregation began to shift. The late Tom Clements, then executive director of CDOC, felt that change was in order for Colorado. Armed with more than 30 years of experience working with the Missouri Department of Corrections, Clements began advocating for a restructuring of Colorado's Administrative Segregation program.

Clements was not the only one pushing for change. In 2011, the Colorado legislature laid the foundation for Administrative Segregation overhaul in the form of Senate Bill 11-176, which set forth guidelines for reclassification efforts and the awarding of earned time. The bill mandated significant changes, the likes of which few U.S. departments of correction had adopted.

Clements brought in the National Institute of Corrections to lend expertise to the reform process. These experts made the following recommendations regarding offender placement in Administrative

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EXHIBIT 10

Segregation: narrow the criteria for placement of offenders in Administrative Segregation; use Punitive Segregation before Administrative Segregation; and develop a step down process for release from Administrative Segregation.

When reform implementation began in 2011, Colorado's Administrative Segregation offenders numbered more than 1,500 or 7% of the DOC population. Deputy director reviews were performed to determine whether offenders who had lived in Administrative Segregation for a year or longer should be progressed back to General Population. Initial reviews resulted in a push of more than 700 offenders from Administrative Segregation to General Population. And a Residential Treatment Program was developed and implemented in late 2012 to support the transition of offenders with serious mental illness out of the administrative segregation housing setting. In 2014, the CDOC expanded the model of Residential Treatment to the San Carlos and Denver Women's Correctional Facilities.

FROM ADMINISTRATIVE SEGREGATION TO RESTRICTIVE HOUSING

Horribly, in March of 2013, an offender was released directly from Administrative Segregation after years of isolation, to the community as a parolee. This parolee assassinated a citizen in Denver as well as the Executive Director of the Department of Corrections, Tom Clements.

In July of 2013, Rick Raemisch, former secretary of the Wisconsin Department of Corrections, took the helm at CDOC after Clements' murder. At this time approximately 700 offenders remained housed in CDOC's reformed Administrative Segregation with 49% of the offenders being released from Administrative Segregation directly back into the community. There were still offenders who had been housed within Administrative Segregation for over 24 years; offenders with death penalty cases were being housed and managed in Administrative Segregation solely in response to their sentence and not institutional behaviors; and the five reformed statuses or levels of Administrative Segregation had resulted in a revolving door, with offenders progressing and then being regressed for minor rule infractions. Offenders had been placed into administrative segregation and they had to earn their way through multiple levels to be released from Administrative Segregation. In the event that they did not successfully make it through all the levels, they would regress accordingly and the cycle would continue. Ultimately, these offenders could spend years in Administrative Segregation and not know when they are coming out – for as many as 24 years. Mr. Raemisch recognized that the CDOC facilities and the public were not safer as a result of the continued use of long term Administrative Segregation.

Under Raemisch's leadership, it was clear that in order for the CDOC to operate safer facilities and to meet and fulfill the Department's ultimate Mission of long term public safety - further Administrative Segregation reforms had to occur.

As such the Department initiated a number of on-going reform efforts focused upon ending the reliance on the use of Administrative Segregation and developing a new determinate "Restrictive Housing Policy" by implementing the 13 guiding "Restrictive Housing" principles developed by the Association of State Corrections Administrators (ASCA). The CDOC not only embraced these guiding principles but well exceeded them with aggressive ambition and through implementation of policy and procedures that would pave the way for future reforms. The reform efforts were focused upon the use of restrictive

housing for only the most violent, dangerous and disruptive offenders, while excluding offenders with Serious Mental Illnesses from being considered for restrictive housing placement.

Administrative Segregation terminology and all previous levels of Administrative Segregation were abolished and replaced with a newly developed restrictive housing policy which included a sanction matrix for violent acts that could result in consideration for placement in restrictive housing - maximum security status. Indeterminate sentences were also eliminated and replaced with determinate sanctions to ensure that offenders know why they are being assigned to restrictive housing - maximum security status and specifically for how long.

Furthermore the practice of releasing offenders directly from Administrative Segregation environments to the community was immediately ceased, and since March 2014 there have been zero (0) offenders released from restrictive housing - maximum security status directly to the community.

To support the newly developed restrictive housing policies and to ensure for a successful transition from restrictive housing to general population, the CDOC established a progressive Management (Step down) Process where offenders transition out of restrictive housing - maximum security status and are allowed to come out of their assigned rooms and re-socialize with small groups of other offenders, yet still be managed within highly structured and controlled close custody environments to ensure for the safety of our staff and the offender populations. These newly developed units are referred to as Close Custody Management Control Units (MCU) and Close Custody Transition Units (CCTU), which were designed specifically to assist offenders with pro-social stabilization and cognitive intervention programming prior to progression to larger general population living environments.

During May and June of 2014, a multidisciplinary committee of CDOC staff reviewed each of the offenders who had been housed in Administrative Segregation longer than 12-months for progression, and by July 2014 the Colorado Department of Corrections had successfully decreased their Administrative Segregation population to less than 1% of the total population of offenders with under 150 offenders remaining in Restrictive Housing – Maximum Security status.

The success of CDOC's Administrative Segregation Reforms and Restrictive Housing initiatives can be attributed to the following units, programs, and tools, all of which were created to reduce the reliance on the use of long term segregation, and designed to facilitate offender rehabilitation and success.

Restrictive Housing – Maximum Security Status

Maximum security status is the most restrictive offender management status for those offenders who have demonstrated through their behavior that they pose a significant risk to the safety and security of staff and other offenders. The use of restrictive housing is an offender management process requiring specific actions and reviews for placement and/or progression. Offenders that enter into Restrictive Housing – Maximum Security status are sanctioned according to a matrix for their violent infractions and the maximum length of stay at this highest level of incarceration is 12 months. Offenders know when they enter the date that they will come out. And all offenders are reviewed monthly for progression

based on behavior and interactions with unit staff. Offenders can be released earlier than their sanctioned time.

Offenders in Restrictive Housing do not receive pod time with other offenders. They do, however, have access to monthly out-of-cell "meaningful contact" visits with case managers and mental health clinicians, and are reviewed on a monthly basis to determine possible progression out of Restrictive housing prior to the term of their Restrictive housing sanction.

Offenders are allowed outside of their cells one hour a day, five days a week, and are able to earn a TV after three months, based upon their behavior.

Close Custody Management Control Units

A close custody designation provides an increased level of housing, supervision and control to maintain the safety of the public, volunteers, staff and offenders. Assignment to Close Custody Management Control Units (MCU) is primarily used as a progressive management assignment for offenders who are progressing from Restrictive Housing Maximum Security Status.

Close custody management control units were established within both the Colorado State penitentiary (CSP) and the Sterling Correctional Facility (SCF). Offenders assigned to close custody management control units are allowed out of their cell for a minimum of four (4) hours per day, seven (7) days per week, with up to seven other offenders, to participate in pro-social group pod/day hall, recreational, and programming activities, which includes a minimum of three hours of indoor or outside recreation per week. Offenders assigned to close custody management control units are reviewed by mental health and case management every thirty (30) days for treatment needs and progression.

Close Custody Transition Unit (CCTU)

Assignment to Close Custody Transition Units (CCTU) is primarily used as a temporary (6-month) progressive management assignment for close custody offenders who are either progressing from Close Custody Management Control Units or for newly arrived offenders who score close custody on their initial intake classification.

Close custody transition units were established within the Colorado State Penitentiary (CSP). Offenders assigned to the close custody transition unit are allowed out of their cell for a minimum of six (6) hours per day (7 days per week) with up to sixteen (16) other offenders, to participate in pro-social group pod/day hall, recreational, and programming activities, which includes a minimum of three hours of indoor or outside recreation per week.

Thinking for a Change Programming

This program, required of Close Custody Transition Unit offenders, aids in transition to General Population or the community by increasing awareness of the criminal thought process and altering criminal thoughts through a pro-social paradigm shift. It also focuses on increasing positive peer

interactions and developing problem-solving skills. Thinking for a Change is an empirically supported program with a track record of significantly reducing recidivism rates.

Residential Treatment Program

In 2014, the Colorado Department of Corrections partnered with the legislature and advocates to facilitate the first ever legislation forbidding the placement of seriously mentally ill offenders in long term isolation, absent exigent circumstances. This was a tremendous step for the nation as it codifies a current practice to stop the long term isolation of these mentally ill offenders through statutory mandate. While working with the team to develop the bill, the Department of Corrections proceeded with eliminating the housing of offenders with serious mental illness in our administrative segregation facility.

In December of 2013, DOC aggressively stopped the admission of offenders with serious mental illness in this most isolated environment, well ahead of the passing of the legislation that would codify that policy later in 2014. By January of 2014, all offenders designated as having a serious mental illness were evaluated and moved out of administrative segregation to either a Residential Treatment Program or a general population setting. The DOC also removed and banned administrative segregation assignments within the Residential Treatment Programs, problematic behaviors would be addressed through treatment modification, not isolation. Since inception of the law, the Colorado Department of Corrections still has not identified a patient or situation it was not able to work through that caused the exigent circumstances to apply.

This law has motivated the Department and its leadership to find solutions for housing those with serious mental illness who demonstrate dangerous behaviors. As a matter of fact, the department has taken reforms to the maximum effect and implemented policies so that offenders are assessed for mental health needs and serious mental illness. This assessment takes place long before they are placed into a restrictive housing environment. When there are infractions committed for those with serious mental illness, they are removed from the disciplinary process and treated if it is determined that their mental illness is unstable and contributed to the infraction committed. If the infraction was committed and their mental illness is stable, they are referred to a management control unit and not restrictive housing. The goal is to maintain their pro-social interactions and not isolate them. The first step in developing solutions has been the design and re-design of Residential Treatment Programs within the corrections environment.

The Residential Treatment Program model was designed to provide extra care and support for offenders with serious mental illness or intellectual disability, and to ensure these individuals are not placed in Restrictive Housing settings. Any agency wishing to explore reforms in Restrictive Housing cannot be successful without addressing the mentally ill. Segregation units across the nation become a convenient option to house offenders who are often times acting out based on exacerbation of mental illness. Colorado was no exception to this convenient housing assignment and designed and re-designed a program and process to capture this population on the front end of sanctioning to prevent further disruption to mental well being. The program's success hinges on offenders working together in group

therapy and engaging in one-on-one sessions with mental health clinicians. Both clinical and line staff collaborate daily to provide individualized offender support. The Department of Corrections designed and built restraint tables that accommodate up to 4 offenders restrained together to facilitate group and pro-social interactions with a therapist or clinician. This allows the safety of the environment, the offenders and the staff member, but encourages offenders to get out of their cells in small groups.

Another key component of the Residential Treatment Programs has been the implementation of a National Consultants recommendation to introduce opportunities for the offenders in the program to come out of their cells for a minimum of 10 hours for structured therapeutic interventions and 10 hours of non-structured recreational opportunities, per week. With the struggles of employing mental health clinicians across the nation, the CDOC was again no exception and identified concern with meeting the 10 hours for structured therapeutic opportunities out of cell. The department has experienced increased compliance with the implementation over time with the introduction of registered and licensed clinicians to meet the needs of the population.

Since its inception, the program has facilitated successful outcomes for offenders. Offenders who had lived in Administrative Segregation for years have progressed through the program and excelled in group environments. Many of these offenders hold steady prison jobs and continue to make positive changes.

This population of offenders is unique in that they are often times comfortable and safe in the confines of a segregation cell by themselves. They prefer not to participate in groups and psychotherapy appointments – and they have the right to refuse to come out. The Department is not going to inflict force to make these patients come out. So the Department of Corrections Division of Clinical Services and Prison Operations staff had to work together to develop incentives to get these offenders to come out to treatment. Some of these incentives include the introduction of dogs to attend treatment groups or treatment meetings, the use of de-escalation rooms where offenders can listen to soothing music and change their environment other than their cell and also the ability to participate in art therapy where they can draw and express their thoughts without talking. The Department has worked very hard to develop means to get these offenders out of their cells and coping with their mental illnesses.

The Department of Corrections has 3 Residential Treatment Programs, 2 designated for males and one program designated for females:

The San Carlos Correctional Facility Residential Treatment program is a 255 bed facility that houses our most acutely mentally ill male offenders. In 2013, the DOC removed all Administrative Segregation sanctions within this facility that houses those with Serious Mental Illness.

The Centennial Correctional Facility Residential Treatment Program is a 240 bed program that houses those male offenders with chronic mental health treatment needs for a longer period of treatment.

The Department has identified significant outcomes (raw data) over the course of the last fiscal year as it relates to the management of these facilities:

San Carlos Correctional Facility:

- Special Controls in the last year at SCCF has been reduced by 93%
- Forced cell entries in the last year at SCCF have declined by 77%
- And offender on staff assaults in the last year at SCCF have declined by 46%
- Centennial Correctional Facility:
- Special Controls in the last year at CCF have declined by 85%
- Forced cell entries in the last year at CCF have declined by 81%
- Offender on staff assaults in the last year at CCF have been reduced by 50%

Behavior Modification Plans

In both the Management Control Unit and Close Custody Transition Unit, staff use Behavior Modification Plans to increase or strengthen the pro-social interactions of offenders. These plans are designed, implemented, and monitored by a multidisciplinary team. Line staff, through their daily interaction with offenders, play an integral part in their implementation. Should an offender behave inappropriately, line staff can use these plans to redirect him and immediately hold him accountable.

Female and Youthful Offender Management

In 2015, the Department of Corrections adopted policy and practice that does not allow for female or youthful offenders to be placed into Restrictive Housing - Maximum Security status. The Department recognizes that both females and youthful offenders require a management style to include due process and sanctions that are consistent with Trauma Informed practice.

LESSONS LEARNED

CDOC encountered roadblocks during the creation and implementation of its unique, unprecedented Administrative Segregation Reform efforts.

Staff initially noticed that offenders who had been transitioned out of Administrative Segregation may attempt to commit infractions in order to make their way "back" to the newly minted Restrictive Housing – Maximum Security Status, as they preferred the solitude and individual cells offered within this environment.

In response, CDOC developed steps to reduce the number of "revolving door" offenders. New statuses were created. An offender can now be placed in a protective custody status, only allowing him contact with offenders who have been vetted for security purposes. If an offender poses too great of a security threat, possibly due to a highly publicized case, he can be exchanged with an out-of-state correctional facility.

Staff began to witness successful, permanent transitions. Even offenders serving death sentences were able to interact with other offenders and land prison jobs.

Due to the focused and ambitious efforts of the Colorado DOC to embrace new philosophies and implement new policies to address this growing population, outside groups did not believe the successes of what we were accomplishing. Many stated that we were calling Administrative Segregation something else. But we have opened our policies and practices to be reviewed and witnessed. We have identified better ways to accomplish our goals and adjusted our practices as we design this manner of managing offenders. We manage offenders through scheduling and opportunities for them to come out of their cells. If they refuse these opportunities, we don't document the refusal. Housing units are structured to manage offenders according to schedules to maximize staff resources.

We offer our offenders in Residential Treatment Programs out of cell opportunities for both therapeutic and non-therapeutic time – we don't force them to come out if they don't want to. This has brought us ridicule and critique but we feel that we are reaching these offenders through time and patience and consistent dose and frequency of treatment availability.

One seasoned staff member even "warned" executive staff that the reforms were going to get someone hurt or killed. That same staff member, a year later, said they could not believe the changes in the offender behavior and participation in treatment.

The truth of the matter for the Department of Corrections is that none of the reforms could have been accomplished without the work and creative thinking of the staff responsible for implementing them. The executive team sent out weekly messages to the entire department, letting them know the next steps and the rationale for each process. We received feedback, concerns and suggestions from staff to consider as we implemented the reforms. This included involving staff in the process of policy and operations development. The facility management teams were given autonomy to take the goals of the executive director and operationalize them – therefore strengthening the ownership of the processes. It is the staff and the culture of progressive thinking that made all of the reforms occurring in Colorado possible.

LOOKING FORWARD

Since 2011, CDOC's Administrative Segregation/Restrictive Housing population has shrunk from more than 1,500 offenders to approximately 160. Remaining Restrictive Housing offenders receive continual review, with the goal of transitioning them back into General Population as soon as safely possible.

While working to decrease the number of offenders in Restrictive Housing, correctional officers and clinical staff have introduced the use of de-escalation rooms in which offenders can "take a timeout" when they need a break from General Population. The statistical success of CDOC's de-escalation rooms has yet to be determined. Anecdotally, many frontline workers report that these rooms seem to prevent incidents of offender-on-offender and offender-on-staff violence, as well as self-inflicted injuries.

Since the implementation of its Restrictive Housing Policy, CDOC has placed a special emphasis on providing staff with continuing education opportunities. The reason for this is twofold: to ensure the effective rehabilitation of offenders; and to decrease both staff and offender injuries by equipping staff to deal with difficult offenders using preventative measures instead of force. All staff are trained on

mental health and trauma awareness and receive regular education on professionalism and positive communication.

The department continues to adjust program protocols to facilitate the most effective atmosphere for rehabilitation. Restrictive Housing's incentive-based foundation requires staff to develop new techniques that discourage negative behaviors without invoking formal disciplinary procedures. CDOC aims to continually improve both incentives and appropriate consequences. The department's ultimate goal is to create a Restrictive Housing system that looks at an offender's documented behaviors as well as his program participation when determining the success of his rehabilitation.

Additionally, the department is looking to develop and incorporate additional evidence-based, gender-specific programming for females, a traditionally underserved prison population. CDOC plans to accomplish this by adapting gender-specific programming to females.

Next steps for reforms include increasing the programming opportunities in the Close custody management control units. Also, the Department has recently installed restraint tables in the Restrictive Housing Maximum Security units and is working with facilities management teams and unit staff to identify additional out of cell opportunities for those offenders sanctioned to Restrictive Housing Maximum Security status.

In all of their endeavors, CDOC staff are guided and inspired by the department's mission statement: "to protect the citizens of Colorado by holding offenders accountable and engaging them in opportunities to make positive behavioral changes and become law-abiding, productive citizens." Staff accomplish this mission by using open and clear communication, supporting fellow staff in all lines of work, and working together to promote offender success.

There was no other agency developing a plan to intervene in long term isolation. The reforms of the Colorado DOC have been through the eyes of sound leadership and ambitious employees. The reforms have been implemented over the course of 2 years at various stages. The data is raw and without adequate time behind it to define best practice – yet. But the initial results are worth celebrating. There were no suicides in Restrictive Housing in the last year. The rate of assaults on staff, across the agency, are half of what they were in 2006. The average length of stay in Restrictive housing is currently approximately 7 ½ months and less than 1% of the CDOC population is housed in Restrictive Housing. Something that we are doing is working. We will continue to move forward with our design and re-design as we collect more data over time to write "best practice" for the industry.

As the old adage goes, "The only constant is change." CDOC aims to continually develop new and better pathways for offender success, and to implement best practices developed by other agencies. The department will continue its groundbreaking work motivated by the ultimate goal of "building a safer Colorado for today and tomorrow" — a Colorado safer for all those held dear by staff and offenders alike.